

### REMARKS

This Amendment is in response to the Office Action dated June 6, 2005. In the Office Action, the Examiner rejected claims 1-3, 9-11, 17-19, 57-65 under 35 U.S.C. § 102(e) as being anticipated by Kawaguchi et al., U.S. Patent No. 6,271,893. Claims 25-27 and 66-68 were rejected under 35 U.S.C. § 102(e) as being anticipated by Grooters, U.S. Patent No. 6,883,176. Claims 4-8, 12-16, 20, 23-24, 33-39, 45-51, and 69-75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawaguchi et al. in view of Picco et al., U.S. Patent No. 6,029,045.

Claim 1 is amended. Claims 2-80 are canceled herein without prejudice. Claims 1 and 81-103 are now pending in the application. For the reasons set forth below, the Applicant respectfully requests reconsideration and allowance of all pending claims.

### Claim Objections

Claims 69, 72, 75 and 78 are objected to. Claims 69, 72, 75 and 78 have been canceled. Accordingly, Applicant respectfully requests that this objection be withdrawn.

### 35 U.S.C. § 112 Rejection

Claims 26 and 67 stand rejected under 35 U.S.C. §112, second paragraph. Claims 26 and 67 have been canceled. Accordingly, Applicant respectfully requests that the rejection to claims 26 and 67 be withdrawn.

## CLAIM REJECTIONS - 35 U.S.C. § 102

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Applicant respectfully submits that Kawaguchi discloses “[a] digital television transmitter [that] transmits a transport stream . . . comprising content data for a plurality of channels to receivers.” (Abstract). Kawaguchi further discloses that “[a]t an expected time of program alteration[s] previously received; the second power is supplied to the second portion to collect program information, which is preferably stored in nonvolatile memory. (col. 2, lines 22-26; emphasis provided).

In contrast, claim 1, in pertinent part, recites “prioritizing the content in response to a feedback received from the one or more clients, wherein the feedback sent by the one or more clients is based on the amount of content consumed by the one or more clients.” (emphasis provided). Applicant submits that Kawaguchi does not teach or reasonably suggest such a feature. Accordingly, Applicant respectfully requests that the rejection of claim 1 and its dependent claims be withdrawn.

Claims 25-27 and 66-68 stand rejected under 35 U.S.C. §102(e) as being anticipated by Grotters, U.S. Patent No. 6,883,176 (“Grooters”).

Claims 25-27 and 66-68 have been canceled without prejudice. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 25-27 and 66-68.

### CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 4-8, 12-16, 20, 23-24, 33-39, 45-51 and 69-75 have been canceled without prejudice. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4-8, 12-16, 20, 23-24, 33-39, 45-51 and 69-75.

### **New Claims**

New independent claims 91, 95 and 99 contain similar limitations to those of claim 1. Claims 92-94, 96-98 and 100-103 depend from claims 91, 95 and 99, respectively. Accordingly, Applicant respectfully submits that claims 91-103 are distinguished over the cited references.

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above amendments and accompanying remarks, independent claims 1, is now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (303) 740-1980.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for a One-Month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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